

# **INFORMATION SHEET**

## **DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2006-6791-RMG

PROJECT MANAGER: Rebecca Gruber

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: March 26, 2007  
At the project site? Y ☐ N ☐ Date:

### **PROJECT LOCATION INFORMATION:**

State: Wisconsin

County: Milwaukee

Center coordinates of site by latitude & longitude: 42.8895, -88.0016 (NAD 83)

Approximate size of site/property (including uplands) in acres: 47

Name of waterway or watershed: Pike/Root

Type of Aquatic Resource:	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		2.72 ac.							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

1 Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

1 Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary ☒ Or Approved: ☐

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

A Wetland Delineation was received on 12/4/2006 from Graef Anhalt Schloemer and Associates for Corps concurrence and Jurisdictional Determination. After reviewing data sheets, topographic maps, USDA soil surveys, wetland inventory maps, aerial photographs and wetland survey maps the Corps has concluded that the wetlands are isolated. The subject eight wetlands and two ponds have no tributary and are not adjacent to any tributary to a water of the US. No interstate commerce nexus were found. For this reason the Corps has No Jurisdiction over the wetlands or ponds.